

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 30 2009 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
SIMEON FERGUSON, by and through his  
next friend, KARLENE GRANT

Plaintiff,

v.

08-cv-639 (SLT) (VVP)

INDYMAC BANK, F.S.B. and GLOBAL  
FINANCIAL, INC.,

Defendants.

-----X

*GRANTING*  
**ORDER (I) GRANTING PLAINTIFF'S MOTION TO APPROVE THE  
SETTLEMENT AGREEMENT BETWEEN PLAINTIFF AND  
DEFENDANT FEDERAL DEPOSIT INSURANCE CORPORATION; (II)  
APPROVING THE SETTLEMENT AGREEMENT ON TERMS SET  
FORTH IN SUCH AGREEMENT AND EXHIBITS THERETO; AND  
APPOINTING PLAINTIFF'S NEXT FRIEND KARLENE GRANT AS A  
GUARDIAN *AD LITEM* FOR PLAINTIFF IN THIS PROCEEDING**

Upon (i) the motion ("Motion") by plaintiff Simeon Ferguson ("Plaintiff"), by and through his next friend Karlene Grant, for an Order Approving the Settlement Agreement between Plaintiff and Defendant Federal Deposit Insurance Corporation as receiver of defendant IndyMac Bank, FSB ("FDIC"), dated September 16, 2009; (ii) upon the joint request by Plaintiff and the FDIC to appear in person at the pre-trial conference before this Court on September 18, 2009; (iii) upon a consent to jurisdiction of this Court to hear and determine the Motion, signed by all parties in this action; and (iv) upon the representations made to the Court by Karlene Grant and counsel for all parties at the hearing; and after due deliberation the Court having determined that sufficient reasons and cause to grant the Motion and approve the Settlement Agreement exist therefor; it is hereby

**ORDERED** that the Plaintiff's Motion is hereby granted in its entirety; and it is further  
**ORDERED** that the Settlement Agreement between Plaintiff and the FDIC on the terms  
set forth therein and the exhibits annexed thereto, including the Modification Agreement, is  
hereby approved; and it is further

**ORDERED** that Plaintiff's next friend Karlene Grant is hereby appointed as a guardian  
*ad litem* for Plaintiff in this proceeding.

Date: September 30 2009  
Brooklyn, New York

V s/V V P  
The Honorable Viktor V. Pohorelsky  
United States, Magistrate Judge